

APR 24 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/902,144
Inventor(s) : Kane, et al.
Filed : July 10, 2001
Art Unit : 2672
Examiner : Romain Genty
Docket No. : 8633
Confirmation No. : 5453
Customer No. : 27752
Title : Methods, Functional Data, and Systems for
Optimizing Product Factors

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The attached Notice of Abandonment, dated April 5, 2006, states that Applicant's U.S. Patent Application Serial No. 09/902,144, filed July 10, 2001, was abandoned due to Applicant's failure to timely respond to the Office Action dated October 24, 2005.

Applicant respectfully petitions the Honorable Commissioner of Patents to reconsider and withdraw the holding abandonment for failure to prosecute the above-identified application. Applicant has a three-month non-statutory period for which to respond and up to three months extension of time under 37 CFR 1.36(a). The six-month period expires tomorrow, April 25, 2006.

In view of the foregoing, Applicant and the undersigned attorney hereby state that the amendment being filed today, April 24, 2006, is timely.

WHEREFORE, Applicant respectfully requests that this petition be accepted and the above-identified application be reinstated for prosecution, as allowed under MPEP 711.02 and 711.03.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

Erich D. Hemm

Typed or Printed Name

Registration No. 47,286

(513) 634-8960

Date: April 24, 2006

Customer No. 27752



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,144	07/10/2001	Sean Michael Kane	8633	5453

27752 7590 04/05/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

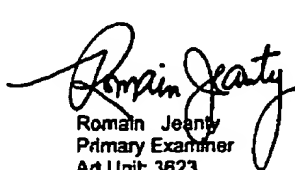
APR 24 2006

Notice of Abandonment	Application No.	Applicant(s)	
	09/902,144	KANE ET AL.	
	Examiner	Art Unit	
	Romain Jeanty	3523	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 October 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


 Romain Jeanty
 Primary Examiner
 Art Unit: 3523

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.